

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:17-CR-00134-BR-1

UNITED STATES OF AMERICA

v.

XAVIER MILTON EARQUHART

NOTICE OF DEFENDANT'S
POSITION AS TO SENTENCING
BY VIDEO CONFERENCING

The Office of the Federal Public Defender hereby respectfully provides notice to the Court of defendant Xavier Milton Earquhart's position as to sentencing by video conference on September 21, 2020.

In response to this Court's text order entered September 8, 2020, undersigned counsel consulted with Mr. Earquhart and with Assistant United States Attorney Will Gilmore. Mr. Earquhart advised he does not consent to sentencing hearing by video conferencing and did not express any compelling reasons to proceed with his sentencing on September 21, 2020. Mr. Earquhart consents to a continuance of his sentencing hearing to October 26, 2020. Mr. Earquhart filed a *pro se* motion through which he objected to sentencing by video conference and requested a continuance. [DE 299].

Assistant United States Attorney Will Gilmore advised the government's preference would be to proceed with sentencing on September 21, 2020.

Respectfully submitted this 14th day of September, 2020.

G. Alan DuBois
Federal Public Defender

/s/ Rosemary Godwin
ROSEMARY GODWIN
Assistant Federal Public Defender
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N.C. State Bar No. 18217 LR 57.1
Counsel Appointed

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served upon:

WILLIAM GILMORE
Assistant United States Attorney
150 Fayetteville Street, Suite 2100
Raleigh, NC 27601

by electronically filing the foregoing with the Clerk of Court on September 14, 2020, using the CM/ECF system which will send notification of such filing to the above.

This the 14th day of September, 2020.

/s/ Rosemary Godwin
ROSEMARY GODWIN
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